

**REMARKS**

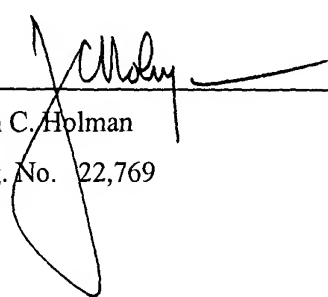
The foregoing Preliminary Amendment is requested in order to delete the multiple dependent claims and avoid paying the multiple dependent claims fee.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned “ **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**”

Early action on the merits is respectfully requested.

Respectfully submitted,  
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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

3. (amended) A fruiting plant according to claim 1 [or claim 2] which produces a pome fruit.

8. (amended) A plant as claimed in claim 4 [any one of claims 4 to 7] wherein said plant is one which produces pome fruit.

11. (amended) A plant as claimed in claim 8, [claim 9 or claim 10] in which said polynucleotide (b) has the coding sequence of SEQ ID NO: 3.

12. (amended) A plant as claimed in claim 8, [claim 9 or claim 10] wherein said polynucleotide (b) has the nucleotide sequence of SEQ ID NO: 3.

19. (amended) A DNA construct which includes a polynucleotide as claimed in claim 13 [any one of claims 13 to 18].

20. (amended) A DNA construct comprising, in the 5'-3' direction:

- (a) a promoter sequence;
  - (b) an open reading frame polynucleotide as defined in claim 13 [any one of claims 13 to 18]; and
  - (c) a termination sequence.
25. (amended) A DNA construct as claimed in claim 23 [or claim 24] in which the non-coding region is in a sense orientation.

25. (amended) A DNA construct as claimed in claim 23 [or claim 24] in which the non-coding region is in a sense orientation.

26. (amended) A DNA construct as claimed in claim 23 [or claim 24] in which the non-coding region is in an anti-sense orientation.

29. (amended) A transgenic cell of a fruiting plant which includes a DNA construct as claimed in claim 19 [any one of claims 19 to 28].

33. (amended) A seedless or sterile fruit which is produced by a fruiting plant as claimed in claim 1 [any one of claims 1, 2, 4-7 and 31].

34. (amended) A seedless or sterile pome fruit which is produced by a fruiting plant as claimed in claim 3 [any one of claims 3, 8 to 12 and 32].